

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 591

Introduced by Assembly Member Dymally

February 21, 2007

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 591, as amended, Dymally. Community colleges: ~~part-time~~ *non-tenure track* temporary faculty employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

This bill would instead provide that any person who is employed to teach adult or community college classes for less than 100% of the hours per week considered a full-time assignment for regular employees having comparable duties would be classified as a ~~part-time~~ *non-tenure track* temporary faculty employee. The bill would require that a

non-tenure track temporary faculty employee receive pay and benefits that are equal to those of tenured and tenure track faculty of comparable qualifications doing comparable work, as determined on a parity basis, as defined.

The bill would require that, if a ~~non-tenure~~ *non-tenure track temporary* faculty member teaches at least 40% of a full load, that faculty member be eligible for the same health care benefits that are received by tenured and tenure track faculty in that district. The bill would require a district to hire at least 50% of its full-time tenure track faculty from the pool of its qualified *non-tenure track* temporary faculty employees. The bill would require that, in the event that no bargaining unit represents *non-tenure track* temporary faculty employees in labor negotiations, the chancellor's office shall enter into, and conclude, negotiations on behalf of *non-tenure track* temporary faculty employees in the district.

To the extent that the bill would impose additional duties on community college districts with respect to the classification and compensation of academic employees, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 87482.5 of the Education Code is
- 2 amended to read:
- 3 87482.5. (a) (1) Notwithstanding any other provision of law,
- 4 any person who is employed to teach adult or community college
- 5 classes for less than 100 percent of the hours per week that
- 6 constitute a full-time assignment for regular employees having
- 7 comparable duties shall be classified as ~~apart-time~~ *non-tenure*
- 8 *track* temporary faculty employee, and shall not become a contract
- 9 employee under Section 87605.
- 10 (2) As used in this section:

1 (A) “Non-tenure track” means that the faculty member teaches
2 a number of hours equal to or less than the number of hours per
3 week that constitute a full-time assignment for a tenured or
4 tenure-track faculty member, but is not on a tenure track.

5 ~~(A)~~

6 (B) “Parity basis” means in accordance with a principle of equal
7 pay for equal work.

8 ~~(B) “Part-time” means that the faculty member teaches a number~~
9 ~~of hours equal to or less than the number of hours per week that~~
10 ~~constitute a full-time assignment for a tenured or tenure-track~~
11 ~~faculty member.~~

12 (C) “Temporary” means that the faculty member’s position is
13 for a limited term, and does not qualify him or her for evaluation
14 for the possible conferral of tenured status.

15 (b) ~~A(1)~~ A non-tenure track temporary faculty employee shall
16 receive pay and benefits that are equal to the pay and benefits
17 received by those tenured and tenure track faculty of comparable
18 qualifications doing comparable work, as determined on a parity
19 basis. If a ~~non-tenure track~~ non-tenure track temporary faculty
20 member teaches at least 40 percent of a full load, that faculty
21 member shall be eligible for the same health care benefits that are
22 received by tenured and tenure track faculty in that district.

23 (2) A district shall reduce the difference between the amount of
24 salaries and benefits paid to non-tenure track temporary and
25 full-time faculty by 50 percent each academic year until these
26 salaries and benefits are on a parity basis.

27 (c) Service as a substitute on a day-to-day basis by persons
28 employed under this section shall not be used for purposes of
29 calculating eligibility for contract or tenured or tenure track status.

30 (d) (1) Service in professional ancillary activities by persons
31 employed under this section, including, but not necessarily limited
32 to, governance, staff development, grant writing, and advising
33 student organizations, shall not be used for purposes of calculating
34 eligibility for contract or regular status unless otherwise provided
35 for in a collective bargaining agreement applicable to a person
36 employed under this section.

37 (2) This subdivision may not be construed to affect the
38 requirements of subdivision (d) of Section 84362.

39 ~~(e) The salary goal for temporary faculty employees shall be~~
40 ~~prorated to the salaries of full-time tenured faculty who have~~

1 ~~comparable qualifications and do comparable work. A district shall~~
2 ~~reduce the gap between the salaries of temporary and full-time~~
3 ~~faculty by 50 percent each academic year until these salaries are~~
4 ~~on a parity basis.~~

5 ~~(f)~~

6 (e) A district shall hire at least 50 percent of its full-time tenure
7 track faculty from the pool of its qualified *non-tenure track*
8 temporary faculty employees.

9 ~~(g)~~

10 (f) While all benefits, load calculations, and hiring may be
11 subject to a collective bargaining process that includes exclusive
12 representatives of full-time and *non-tenure track* temporary faculty
13 employees serving at the institution, in the event that no bargaining
14 unit represents *non-tenure track* temporary faculty employees, the
15 chancellor's office shall enter into, and conclude, negotiations on
16 behalf of *non-tenure track* temporary faculty employees in the
17 district.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.